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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,328	10/18/2000	Joseph A. Rasche	22784-65403	5211

7590

02/07/2002

Barnes & Thornburg
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER

MILLER, WILLIAM L

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 02/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/691,328

Applicant(s)

RASCHE, JOSEPH A.

Examiner

William L. Miller

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. -See 37-CFR-1.85(a): _____
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Priority

1. If applicant desires priority under 35 U.S.C. 119(e) based upon a previously filed copending application, specific reference to the earlier filed application must be made in the instant application. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. _____" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

If the application is a utility or plant application filed on or after November 29, 2000, any claim for priority must be made during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2) and (a)(5). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) a surcharge under 37 CFR 1.17(t), and (2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question

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whether the delay was unintentional. The petition should be directed to the Office of Petitions, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231.

Claim Rejections - 35 USC § 112

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 1, line 4, it is unclear which element of the invention of the term "they" is referencing.
4. It is unclear if the top panel "use orientation" recited in claim 1, line 9, and claim 4, lines 1-2, is referencing the top panel "use orientation" previously recited in claim 1, line 6.
5. It is unclear if "an enclosure" recited in claim 1, line 9, and claim 6, line 3, is referencing the "enclosure" previously recited in claim 1, line 1.
6. In claims 2-8, line 1, the phrase "The apparatus" lacks antecedent basis.
7. It is unclear if "a panel mount" recited in claim 3, line 3, is referencing one of the "pair of panel mounts" previously recited in claim 1, line 1.
8. It is unclear if the side panel "use orientation" recited in claim 3, line 4, is referencing the side panel "use orientations" previously recited in claims 1, lines 3-4.
9. In claim 5, it is unclear if the front and top panels each include a front panel, a first top component, and a second top component, or if the front and top panels collectively include a front panel, a first top component, and a second top component.
10. In claim 6, line 2, the phrase "the parcel receiving box" lacks antecedent basis.

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11. Claims 9, 11, 13, and 14 include indefinite language similar to claims 1, 3, 5, and 6, respectively.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 2, 4-10, and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ollom et al. (US#1282117).

14. Regarding claims 1 and 9, Ollom discloses an enclosure comprising: a pair of panel mounts being viewed as the opposing side walls of the tray 1 which are directly coupled to a pair of side panels 3; the side panels movable between a storage orientation between the panel mounts, and an extended use orientation; a top panel 9,12 having a storage orientation between the panel mounts and a use orientation in which the top panel is projected from between the panel mounts and pivoted downwardly and forwardly to overlie and engage the side panels; and a front panel 6 which engages panel 12 of the top panel.

15. Regarding claims 2 and 10, the side panels 3 are pivotally coupled to the panel mounts via hinges 4.

16. Regarding claims 4 and 12, the top panel 9,12 is projected upward from between the panel mounts in the use orientation.

17. Regarding claims 5 and 13, the front and top panels collectively define a front panel 6, a first top component 9, and a second top component 12.

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18. Regarding claims 6 and 14, the enclosure includes a locking mechanism 17,18.

19. Regarding claims 7 and 15, upon rotating the enclosure depicted in Fig.1 by 90 degrees out of the page and about the horizontal, the enclosure can be oriented such that the top panel is alternatively being viewed as 9, the front panel is alternatively being viewed as 12, and panel 6 is alternatively being viewed as the bottom panel.

20. Regarding claims 8 and 16, the tray wall 1 directly attached to the bottom panel 6 provides a device for limiting the forward and downward pivoting of the bottom panel with respect to the panel mounts.

Allowable Subject Matter

21. Claims 3 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bailey et al., Beall, Morris et al, Murray, Liggett, Brody, Bellamy, Beasley, Leiberman, Olshan, Cunliffe, Stuart, and Mandioni disclose similar enclosures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703 308 3421. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 305 7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

William L. Miller
Examiner
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A handwritten signature in dark ink, appearing to be 'WLM', with a long horizontal flourish extending to the right.

wlm
February 4, 2002